

**Remarks:**

Applicants appreciatively acknowledge the Examiner's confirmation of receipt of applicants' claim for priority and certified priority document under 35 U.S.C. § 119(a)-(d).

Reconsideration of the application is requested.

In paragraph 3 of the above-identified Office action, the Examiner objected to the disclosure because it contained an embedded hyperlink and/or other form of browser-executable code. Pursuant to MPEP 608.01 (VII), a hyperlink is objected to because on the Patent Office website, it becomes a live web link. In the MPEP, a hyperlink is defined as a URL placed between these symbols "< >", or "http://" followed by a URL address. Applicant has amended the specification to avoid the two above-defined cases.

Claims 1 - 10 are presently pending in the application. In paragraph 4 of the Office Action, claims 1 - 10 were rejected under 35 U. S. C. § 102(e) as allegedly being anticipated by U. S. Patent No. 6,757,256 to Anandakumar et al.

("ANANDAKUMAR"). Applicants respectfully traverse the above rejections.

Applicants' independent claims 1 and 8 require, among other limitations, the transmission of "first data with real-time requirement" and "second data without real-time requirement".

The **ANANDAKUMAR** reference discloses a process for sending real-time information. See the title, the Abstract, line 1, also, column 2, lines 10 - 14, column 3, lines 66 - 67 and elsewhere. The **ANANDAKUMAR** reference does not teach or suggest transmitting non-real-time information, as required by Applicants' claims.

More specifically, in the Office Action, column 4, lines 1 - 21 of **ANANDAKUMAR** are pointed to as discussing the transmission of both real-time and non-real-time information. Applicant respectfully traverses. Column 4, lines 1 - 21, as throughout **ANANDAKUMAR**, teach the transmission of real-time information packets and, if the quality of service QoS is below a threshold of acceptability, sending "diversity packets". In the present art, "diversity packets" are understood to be retransmitted packets that were lost. In this art, "time diversity" is the retransmission of lost packets at later moments in time, whereas, "frequency diversity" or "path diversity" is the retransmission of lost packets on different frequencies or paths. However, regardless of which type, time or rate, a diversity packet is

a retransmitted packet of the original data. In **ANANDAKUMAR**, this makes a "diversity packet" a retransmitted packet of real-time information. Changing the diversity requirements for the retransmission of real-time packets does not change them into non-real-time packets. **ANANDAKUMAR** fails to teach or suggest the transmission of Applicants' claimed "**second data without real-time requirement**"

Additionally, Applicants' independent claims 1 and 8 recite, among other limitations, "**a plurality of first quality of service classes**" for transmitting the "**first data**" and "**a plurality of second quality of service classes**" for transmitting the "**second data**". In not teaching Applicants' claimed "**second data**", **ANANDAKUMAR** additionally fails to teach or suggest "**a plurality of second quality of service classes**" for transmitting the "**second data**".

Further, Applicants' independent claims 1 and 8 require, among other limitations, "**a combined quality of service class formed from the first quality of service classes and the second quality of service classes**". As described above, **ANANDAKUMAR** fails to teach or suggest the claimed "**second quality of service classes**" and so, resultantly, also must fail to teach Applicants' particularly claimed "**combined quality of service class**".

Further yet, Applicants' independent claims 1 and 8 recite, among other limitations,

"a transmission unit of a transport layer receiving from said processor the first data and the second data and the transmission parameters of the selected combined quality of service class, and transmitting the first data and the second data taking into consideration the transmission parameters."

As **ANANDAKUMAR** fails to teach or suggest Applicants' claimed "second data" and "combined quality of service class", **ANANDAKUMAR** must also fail to teach or suggest Applicants' particularly claimed "transmission unit".

It is accordingly believed that **ANANDAKUMAR** neither teaches, nor suggests, all features recited in Applicants' independent claims 1 and 8. Claims 1 and 8 are, therefore, believed to be patentable over the art in their original form and, therefore, the claims have not been amended. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1 or claim 8. Reconsideration and allowance of claims 1 - 10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Additionally, please consider the present as a petition for a one month extension of time, and please provide a one month extension of time, to and including, November 15, 2004 to respond to the present Office Action.

The extension fee for response within a period of one (1) month pursuant to Section 1.136(a) in the amount of \$110.00 in accordance with Section 1.17 is enclosed herewith.

Please provide any additional extensions of time that may be necessary and charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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For Applicants

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